

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

FRANCES OCHOA,

Petitioner,

v.

Civ. No. 18-910 WJ/GJF

MARIANNA VIGIL, and  
ATTORNEY GENERAL OF  
THE STATE OF NEW MEXICO,


Respondents.

**ORDER TO SHOW CAUSE**

THIS MATTER comes before the Court *sua sponte* in connection with Petitioner's 28 U.S.C. § 2254 habeas proceeding. Petitioner was recently released from prison, and the postal service returned a mailing to him as undeliverable with the notation "Return to Sender: No Such Street." ECF 8. It appears that Petitioner severed contact without advising the Court of his new address, as required by D.N.M. LR-Civ. 83.6. The habeas claims may also be moot because Petitioner is also no longer "in custody" in violation of federal law, as required by 28 U.S.C. § 2254. To proceed under § 2254, a released prisoner must establish that "sufficient collateral consequences flow from the underlying judgment and the completed sentence to save the [action] from mootness." *United States v. Meyers*, 200 F.3d 715, 718 (10th Cir. 2000); *see also United States v. Hernandez-Baide*, 146 Fed. App'x. 302, 304 (10th Cir.2005) (unpublished) (petitioner bears the burden of proving sufficient collateral consequences).

**IT IS THEREFORE ORDERED** that, **no later than April 21, 2020**, Petitioners shall (1) notify the Clerk in writing of his new address and (2) show cause why this habeas proceeding is not moot. *The failure to timely comply with either directive will result in dismissal of this case without further notice.*

**SO ORDERED.**



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THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE